

REMARKS

Claims 1-42 are pending in the application.

Claims 6, 7, 19, 22 and 40 have been amended.

Formal Matters

The Office Action Summary indicates that:

Claims 1-4 and 6-42 stand rejected.

Claim 5 stands objected to.

However, upon review of the Office Action, Applicants find the following to be the case:

Claims 1-24 stand rejected.

Claims 1-4 and 8-39 stand provisionally rejected.

Claims 25-39 are otherwise allowable, with the exception of their having been provisionally rejected.

Claims 40-42 are allowable.

The latter is based on Applicants assumption that the rejection of claims 1 and 2 would apply to claims 3-24, as claims 3-24 would be based on a rejected base claim. The assumed allowability of claims 40-42 is addressed subsequently. Applicants invite the Examiner to provide guidance in this regard, should Applicants' understanding on this point be in error.

Allowable Subject Matter

Applicants acknowledge the Examiner's indication of allowability as to Applicants' claims 25 and 36. Applicants wish to express their appreciation for the Examiner's indication of allowability. Applicants interpret this indication of allowability to apply equally to claims 26-35 and 37-39, respectively. Applicants also interpret this indication of allowability to apply equally to claim 40, which parallels claim 25, as well as claims 41-42, which would be allowable based on the assumed allowability of claim 40. Moreover, Applicants believe claims 40-42 to be allowable, at least for the reason that claims 40-42 are not the subject of any rejections in the Office Action.

Thus, Applicants believe claims 25-39 to have been deemed allowable, with the exception of the provisional double-patenting rejection. In light of Applicants' arguments with regard to this provisional double-patenting rejection, Applicants believe claims 25-39 to be allowable. Applicants further believe claims 40-42 to be allowable, as these claims are understood to be subject to the allowability indicated for claim 25 and are not the subject of any rejection in the Office Action.

Double Patenting Under 35 U.S.C. § 101

Claims 1-4 and 8-39 are provisionally rejected under 35 U.S.C. § 101, as claiming the same invention as that of claims 1, 50, 48, 49, 56, 43-45, 51, 57-61, 61-67, 68, 69 and 75 respectively of copending Application No. 09/752,001 (the copending application). Applicants respectfully traverse this provisional rejection.

As an initial matter, Applicants respectfully note that claim 1 is being cancelled by Preliminary Amendment filed in regard to copending Application No. 09/752,001. That being the case, Applicants respectfully assert that the rejection of claim 1 in the present application under 35 U.S.C. § 101 is now moot.

With regard to claim 2 in the present application, Applicants respectfully assert that claim 2 of the present application and claim 50 of the copending application are not co-extensive.

Claim 2 of the present application recites:

2. The apparatus of claim 1 further comprising:
reflector logic coupled to the at least one interface circuit, wherein the reflector logic
copies data from at least one of the received transport overhead fields, the copied
data being placed into a transport overhead field in the outgoing frame, the copied
data including the received signature data.

Claim 50 of the copending application recites:

50. The apparatus of claim 47, further comprising:
reflector logic coupled to the at least one interface circuit, wherein
the reflector logic is configured to copy data from at least one of the transport
overhead fields of the incoming frame data,
the data comprises the signature data, and
the signature logic is further configured to write the data into the at least one of
the transport overhead fields in the outgoing frame.

As can be seen, the language of claim 2 of the present application and claim 50 of the copending application is not the same. As a result, the scope of claim 2 of the present application and claim 50 of the copending application are not co-extensive. Thus, the provisional rejection of claim 2 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested. Moreover, Applicants respectfully assert that the rejection of claims 8-12, which depend from claim 2, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 2 under 35 U.S.C. § 101 is not appropriate. This is because claim 2 of the present application and claim 50 of the copending application are not co-extensive, and given this fact, claims that depend from claim 2 of the present application cannot be co-extensive with claims that depend from claim 50 of the

compending application, by definition. Applicants therefore respectfully request that the rejection of claims 8-12 under 35 U.S.C. § 101 also be withdrawn.

With regard to claim 3 in the present application, Applicants respectfully assert that claim 3 of the present application and claim 48 of the compending application are not co-extensive. Claims 1 (from which claim 3 depends) and claim 3 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.
 3. The apparatus of claim 1 wherein the identifying signature data includes data identifying the interface as one of a multiplex section protection (MSP) working circuit, a MSP protect circuit, and a non-MSP circuit.
- while claims 43 and 47 (from which claim 48 depends), and claim 48 of the compending application recite:
43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the communications network and to write outgoing frame data to be transmitted over the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is configured to identify the signature data and to write the signature data into at least one of the transport overhead fields in the outgoing frame.

48. The apparatus of claim 47, wherein the signature data comprises data identifying the at least one interface as one of a multiplex section protection (MSP) working circuit, a MSP protect circuit, and a non-MSP circuit.

As can also be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of claim 3 of the present application and claim 48 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition. This same point is made subsequently with regard to a number of claims.

Moreover, the language of claim 3 of the present application and claim 47 of the copending application are not the same. As a result, the scope of claim 3 of the present application and claim 47 of the copending application are not co-extensive. Thus, the provisional rejection of claim 3 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claim 4 in the present application, Applicants respectfully assert that claim 4 of the present application and claim 49 of the copending application are not co-extensive. Claims 1 (from which claim 4 depends) and claim 4 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

4. The apparatus of claim 1 wherein the identifying signature data includes data identifying the interface as one of an automatic protection switching (APS) working circuit, an APS protect circuit, and a non-APS circuit.

while claims 43 and 47 (from which claim 49 depends), and claim 49 of the copending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the communications network and to write outgoing frame data to be transmitted over the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is configured to identify the signature data and to write the signature data into at least one of the transport overhead fields in the outgoing frame.

49. The apparatus of claim 47, wherein the signature data comprises data identifying the at least one interface as one of an automatic protection switching (APS) working circuit, an APS protect circuit, and a non-APS circuit.

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of claim 4 of the present application and claim 49 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition.

Moreover, the language of claim 4 of the present application and claim 49 of the copending application are not the same. As a result, the scope of claim 4 of the present application and claim 49 of the copending application are not co-extensive. Thus, the provisional rejection of claim 4 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claim 13 in the present application, Applicants respectfully assert that claim 13 of the present application and claim 57 of the copending application are not co-

extensive. Claims 1 (from which claim 13 depends) and claim 13 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

13. The apparatus of claim 1 wherein the transport overhead field is a path level overhead field.

while claims 43 and 47 (from which claim 57 depends), and claim 57 of the copending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the communications network and to write outgoing frame data to be transmitted over the communications network, wherein

the at least one interface circuit is coupled to the at least one router via the communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is configured to identify the signature data and to write the signature data into at least one of the transport overhead fields in the outgoing frame.

57. The apparatus of claim 47, wherein the transport overhead field of the incoming frame data and the outgoing frame data are each a path-level overhead field.

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of claim 13 of the present application and claim 57 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition.

Moreover, the language of claim 13 of the present application and claim 57 of the copending application are not the same. As a result, the scope of claim 13 of the present application and claim 57 of the copending application are not co-extensive. Thus, the provisional rejection of claim 13 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claims 14 and 15 in the present application, Applicants respectfully assert that the rejection of claims 14 and 15, which depend from claim 13, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 13 under 35 U.S.C. § 101 is not appropriate. This is because claim 13 of the present application and claim 57 of the copending application are not co-extensive, and given this fact, claims that depend from claim 13 of the present application cannot be co-extensive with claims that depend from claim 57 of the

compending application, by definition. Applicants therefore respectfully request that the rejection of claims 14 and 15 under 35 U.S.C. § 101 also be withdrawn.

With regard to claim 16 in the present application, Applicants respectfully assert that claim 16 of the present application and claim 60 of the compending application are not co-extensive. Claims 1 (from which claim 16 depends) and claim 16 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

16. The apparatus of claim 1 wherein the communications network includes a plurality of add-drop multiplexers, the plurality of add-drop multiplexers receiving and transmitting the copied data in one of a plurality of transport overhead fields while maintaining the copied data.

while claims 43 and 47 (from which claim 60 depends), and claim 60 of the compending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the communications network and to write outgoing frame data to be transmitted over the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is configured to identify the signature data and to write the signature data into at least one of the transport overhead fields in the outgoing frame.

60. The apparatus of claim 47, wherein
the communications network comprises a plurality of add-drop multiplexers,
each of the add-drop multiplexers is configured to receive and transmit the data while maintaining the data.

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of claim 16 of the present application and claim 60 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition.

Moreover, the language of claim 16 of the present application and claim 60 of the copending application are not the same. As a result, the scope of claim 16 of the present application and claim 60 of the copending application are not co-extensive. Thus, the provisional rejection of claim 16 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claim 17 in the present application, Applicants respectfully assert that claim 17 of the present application and claim 61 of the copending application are not co-extensive. Claim 17 of the present application recites:

17. The apparatus of claim 1 wherein the communications network is a fiber optic network.

Claim 61 of the copending application recites:

61. The apparatus of claim 47, wherein the communications network is one of a Synchronous Digital Hierarchy (SDH) and a Synchronous Optical NETwork (SONET).

As can be seen, the language of claim 17 of the present application and claim 61 of the copending application is not the same. As a result, the scope of claim 17 of the present application and claim 61 of the copending application are not co-extensive. Moreover, because claim 17 of the present application depends from claim 1 of the present application, the earlier arguments related to claim 1 of the present application not being co-extensive with claims 43 and 47 of the copending application also apply with equal force to claim 17. Thus, the provisional rejection of claim 17 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claim 18 in the present application, Applicants respectfully assert that claim 18 of the present application and claim 61 of the copending application are not co-extensive. Claims 1 (from which claim 18 depends) and claim 18 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and

signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

18. The apparatus of claim 1 wherein the communications network is one of a Synchronous Digital Hierarchy (SDH) and a Synchronous Optical NETwork (SONET).

while claims 43 and 47 (from which claim 61 depends), and claim 61 of the copending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the
interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship
using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the
communications network and to write outgoing frame data to be transmitted over
the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the
communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport
overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is
configured to identify the signature data and to write the signature data into at
least one of the transport overhead fields in the outgoing frame.

61. The apparatus of claim 47, wherein the communications network is one of a Synchronous Digital Hierarchy (SDH) and a Synchronous Optical NETwork (SONET).

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of claim 18 of the present application and claim 61 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition. Thus, the provisional rejection of claim 18 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to original original claim 19 in the present application, Applicants respectfully assert that original claim 19 of the present application and claim 62 of the copending application are not co-extensive. Claims 1 (from which claim 19 depends) and original claim 19 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

19. The apparatus of claim 1 wherein the signature logic is a program product and wherein the program product comprises signal bearing media bearing means for identifying the signature data and writing the signature data into at least one of the plurality of transport overhead fields in an outgoing frame.

while claims 43 and 47 (from which claim 62 depends), and claim 62 of the copending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the
interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship
using the signature data.
47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the
communications network and to write outgoing frame data to be transmitted over
the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the
communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport
overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is
configured to identify the signature data and to write the signature data into at
least one of the transport overhead fields in the outgoing frame.
62. The apparatus of claim 47, wherein
the signature logic is a program product, and
the program product comprises signal bearing media bearing means for identifying the
signature data and writing the signature data into the at least one of the transport
overhead fields in the outgoing frame.

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of original claim 19 of the present application and claim 62 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition. Moreover, claim 19 has been amended, further distinguishing claim 19 of the present application and claim 62 of the copending application. Thus, the provisional rejection of amended claim 19 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claims 20 and 21 in the present application, Applicants respectfully assert that the rejection of claims 20 and 21, which depend from claim 19, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 19 under 35 U.S.C. § 101 is not appropriate. This is because claim 19 of the present application and claim 57 of the copending application are not co-extensive, and given this fact, claims that depend from claim 19 of the present application cannot be co-extensive with claims that depend from claim 57 of the copending application, by definition. Applicants therefore respectfully request that the rejection of claims 20 and 21 under 35 U.S.C. § 101 also be withdrawn.

With regard to original original claim 22 in the present application, Applicants respectfully assert that original claim 22 of the present application and claim 65 of the copending application are not co-extensive. Claims 1 (from which claim 22 depends) and original claim 22 of the present application recite:

1. An apparatus for a communications network, the apparatus comprising:
at least one interface circuit that reads frame data received from the communications network and writes frame data to be transmitted over the communications network, the frame data including a plurality of transport overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic identifies signature data and writes the signature data into at least one of a plurality of transport overhead fields in an outgoing frame.

22. The apparatus of claim 2 wherein the reflector logic is a program product and wherein the program product comprises signal bearing media bearing means for copying data from received transport overhead fields and means for placing the copied data into a transport overhead field in an outgoing frame.

while claims 43 and 47 (from which claim 65 depends), and claim 65 of the copending application recite:

43. An apparatus for a communications network, the apparatus comprising:
a plurality of interface circuits, wherein
the interface circuits are disposed in at least one router,
the at least one router is configured to receive a received frame at one of the
interface circuits and to read signature data from the received frame,
the signature data identifies one of the interface circuits as an active interface, and
the at least one router is configured to configure a communications relationship
using the signature data.

47. The apparatus of claim 43, further comprising:
at least one interface circuit configured to read incoming frame data received from the
communications network and to write outgoing frame data to be transmitted over
the communications network, wherein
the at least one interface circuit is coupled to the at least one router via the
communications network, and
the incoming and the outgoing frame data each comprise a plurality of transport
overhead fields; and
signature logic coupled to the at least one interface circuit, wherein the signature logic is
configured to identify the signature data and to write the signature data into at
least one of the transport overhead fields in the outgoing frame.

65. The apparatus of claim 47, wherein the reflector logic is a program product and wherein the program product comprises signal bearing media bearing means for copying data

from received transport overhead fields and means for placing the copied data into a transport overhead field in an outgoing frame.

As can be seen, the language of claim 1 of the present application, and claims 47 and 43 of the copending application are not the same. As a result, the scope of original claim 22 of the present application and claim 65 of the copending application are not co-extensive. This is because claim 1 of the present application, and claims 47 and 43 of the copending application are not co-extensive, and given this fact, claims that depend from claim 1 of the present application cannot be co-extensive with claims that depend from claim 47 (and so claim 43) of the copending application, by definition. Moreover, claim 22 has been amended, further distinguishing claim 22 of the present application and claim 65 of the copending application. Thus, the provisional rejection of amended claim 22 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claims 23 and 24 in the present application, Applicants respectfully assert that the rejection of claims 23 and 24, which depend from claim 22, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 22 under 35 U.S.C. § 101 is not appropriate. This is because claim 22 of the present application and claim 57 of the copending application are not co-extensive, and given this fact, claims that depend from claim 22 of the present application cannot be co-extensive with claims that depend from claim 57 of the copending application, by definition. Applicants therefore respectfully request that the rejection of claims 23 and 24 under 35 U.S.C. § 101 also be withdrawn.

With regard to claim 25 in the present application, Applicants respectfully assert that claim 25 of the present application and claim 68 of the copending application are not co-extensive. Claim 25 of the present application recites:

25. A method for a communications network including at least one local router and at least one remote router, the method comprising:
transmitting data in a transport overhead field to at least one remote router, the data
identifying an active interface in the local router;
receiving the data at the local router reflected from the remote router; and

configuring a communications relationship using the data.

Claim 68 of the copending application recites:

68. A method for operating a communications network comprising:
receiving data in a transport overhead field at a remote router, wherein
the data identifies an active interface in a local router, and
the local router and the remote router are coupled to one another via the
communications network; and
reflecting the data back to the local router from the remote router.

As can be seen, the language of claim 25 of the present application and claim 68 of the copending application is not the same. As a result, the scope of claim 25 of the present application and claim 68 of the copending application are not co-extensive. Thus, the provisional rejection of claim 25 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested. Moreover, Applicants respectfully assert that the rejection of claims 26-35, which depend from claim 25, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 25 under 35 U.S.C. § 101 is not appropriate. This is because claim 25 of the present application and claim 68 of the copending application are not co-extensive, and given this fact, claims that depend from claim 25 of the present application cannot be co-extensive with claims that depend from claim 68 of the copending application, by definition. Applicants therefore respectfully request that the rejection of claims 26-35 under 35 U.S.C. § 101 also be withdrawn.

Moreover, with specific regard to claim 34 in the present application, Applicants respectfully assert that claim 34 of the present application and claim 77 of the copending application are not co-extensive because their language is not the same. Claim 34 of the present application recites:

34. The method of claim 25 wherein the communications network is a fiber optic network.

Claim 77 of the copending application recites:

77. The method of claim 68, wherein the communications network is one of a Synchronous Digital Hierarchy (SDH) and a Synchronous Optical NETwork (SONET).

As can be seen, the language of claim 34 of the present application and claim 77 of the copending application is not the same. As a result, the scope of claim 34 of the present application and claim 77 of the copending application are not co-extensive. Thus, the provisional rejection of claim 34 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested.

With regard to claim 36 in the present application, Applicants respectfully assert that claim 36 of the present application and claim 68 of the copending application are not co-extensive for at least the reasons presented with regard to claim 25 of the present application because the language of claims 25 and 36 are substantially similar (with the former being a method claim and the latter being a “means plus function” claim). As in the case of claim 25 of the present application, the language of claim 36 of the present application and claim 68 of the copending application is not the same. As a result, the scope of claim 36 of the present application and claim 68 of the copending application are not co-extensive. Thus, the provisional rejection of claim 36 under 35 U.S.C. § 101 is not appropriate, and the withdrawal thereof is therefore respectfully requested. Moreover, Applicants respectfully assert that the rejection of claims 37-39, which depend from claim 36, under 35 U.S.C. § 101 is also not appropriate, for at least the reason that rejection of claim 36 under 35 U.S.C. § 101 is not appropriate. This is because claim 36 of the present application and claim 68 of the copending application are not co-extensive, and given this fact, claims that depend from claim 36 of the present application cannot be co-extensive with claims that depend from claim 68 of the copending application, by definition. Applicants therefore respectfully request that the rejection of claims 37-39 under 35 U.S.C. § 101 also be withdrawn.

Rejection of Claims under 35 U.S.C. §112

Claims 6, 7, 19-24 and 40-42 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicants thank the Examiner for his diligent review of the claims. Applicants have amended claims 6, 7, 19, 22 and 40 to address the Examiner's concerns, and respectfully submit that the rejection under 35 U.S.C. §112 is overcome thereby. No new matter has been added.

Rejection of Claims under 35 U.S.C. §102

Claims 1 and 2 stand rejected under 35 U.S.C. §102(a), as being anticipated by Okabe, U.S. Patent No. 6,031,838 (Okabe). Applicants respectfully traverse this rejection.

As an initial matter, Applicants note that only claims 1 and 2 are rejected under 35 U.S.C. §102(a), and so conclude that claims 3-24 are also rejected in this regard, as a result of their dependence on a rejected base claim. Applicants invite the Examiner to provide guidance in this regard, should Applicants' understanding on this point be in error.

Applicants respectfully assert that claim 1 (and so claim 2) is distinguishable from Okabe for at least the reason that Okabe fails to teach the claimed signature data, and therefore, the claimed signature logic (as the claimed signature logic is capable of identifying or writing such signature data). As noted in the specification of the instant application, the signature data identifies the router interface that sent the frame received, for example, as a working interface, a protect interface or a non-APS interface. (Specification, p. 11, lines 4-6) The portions of Okabe cited as teaching signature logic that identifies and writes the signature data (Fig. 1 box 25; cell header, col. 6, lines 6-8; adds active/standby data, col. 6, lines 43-48) fail to do so. Okabe

teaches only that each line interface adds active/standby identification data, which indicates whether its own line interface is active or standby, onto a cell and enters the cell into the line concentrator. (col. 6, lines 45-48) This identification data merely indicates whether the interface from whence the ATM cell comes is in active or standby mode. This identification data may indicate the state of the interface sending the cell (active or standby), but completely fails to indicate the type of the interface sending the cell, or the capabilities of that interface.

Moreover, Applicants are unable to find taught in Okabe any use whatsoever of anything even remotely comparable to the claimed signature data or signature logic. This comes as no surprise because, in this regard, Okabe is only concerned with using its active/standby identification data to determine whether a given packet should be dropped at the line concentrator based on the state of the line card from whence it came, and not with identifying that line card or its type/configuration/etc. This is reasonable, given that the determination to be made in Okabe is fundamentally one of dropping (or not dropping) a cell based on the state of the line card that sent the cell. Further, this is reasonable because a simple “yes/no” decision can be made quickly and efficiently using the active/standby identification data. (col. 6, lines 48-55)

The claimed invention’s identification of a line card’s capabilities is clearly removed from simply determining the line card’s state. In the latter case, the capabilities of the line card that need to be known (i.e., that the line card can be in an active or standby state) are already known. It is the line card’s state that is used as the basis of the decision that is made. In the claimed invention, it is the line card’s capabilities that are not known, and so need to be determined. Thus, a parallel cannot be successfully drawn between Okabe’s active/standby identification data, and the claimed signature data. As a result, Okabe is incapable of teaching

the claimed signature logic because, lacking the claimed signature data, Okabe could not contemplate signature logic to identify and write such signature data.

Accordingly, Applicants respectfully submit that independent claim 1 clearly distinguishes over Okabe. Claim 2, which depends from independent claim 1, distinguishes from Okabe for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claims 1 and 2 are in condition for allowance, and so respectfully request withdrawal of the rejection based upon 35 U.S.C. § 102(a).

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 8, 2005**.

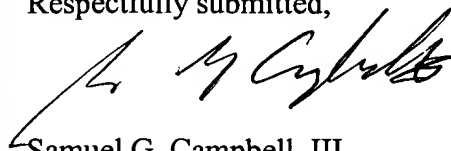


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3/8/05

Date of Signature

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